

Per Sinclair Broadcast Group Legal: Station may continue to run the ad.

**GARZA GOLANDO MORAN, PLLC**

**115 E. Travis St., Ste. 1235  
San Antonio, Texas 78205  
(210) 892-8543 | firm@ggmtx.com**

October 13, 2016

**Re: False NRCC Advertisement re: Pete Gallego**

Dear Station Manager:

I am counsel to Pete Gallego. I write with regard to an advertisement by the NRCC. The text of the advertisement is attached.

This advertisement is inaccurate and misleading. For the sake of both FCC licensing requirements and the public interest, your station should immediately refuse to continue to air this advertisement.

The text of the advertisement claims that Pete Gallego “went and lobbied after you fired him from Congress,” which is demonstrably false. Pete Gallego never registered as a lobbyist either at the federal or state level.

Just yesterday, independent fact-checker Politifact examined the claim and found it to be false.<sup>1</sup> The advertisement purposefully misleads by showing a major Washington, D.C. avenue with Gallego walking the street, with flashing text that says, “Gallego lobbied.” Then in smaller type “City of Austin, 2015.” Gallego was never registered as a lobbyist in Washington, and as Politifact points out, a 2007 law bars former members of Congress from lobbying Congress for a year after leaving the body. By showing Gallego on a street in Washington with the words “Gallego lobbied” the NRCC is implying that Gallego broke the law.<sup>2</sup> But in fact,

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<sup>1</sup> Politifact Texas, “Republican group wrong that ‘fired’ Pete Gallego turned around and became lobbyist,” October 12, 2016

<sup>2</sup> Congressional Research Service, “Post Employment ‘Revolving Door’ Laws for Federal Personnel,” January 7, 2014

a list of former members from the 113<sup>th</sup> Congress shows that Gallego is not employed by a lobbying firm.<sup>3</sup>

Documents from the city of Austin show that Gallego was employed in government relations from March 2, 2015, through August 21, 2015<sup>4</sup>, and city spokesman David Green said that Gallego was never hired to lobby legislators but rather, "to advise the city on legislative and legal matters." To that end, Gallego never registered as a lobbyist with the Texas Ethics Commission, precisely because he never served as a lobbyist.

Unlike federal candidates, independent political organizations do not have a "right to command the use of broadcast facilities." *See CBS v. DNC*, 412 U.S. 94, 113 (1973). Because you need not air this advertisement, your station bears responsibility for its content when you do grant access. *See Felix v. Westinghouse Radio Stations*, 186 F.2d 1, 6 (3rd Cir.), *cert. denied*, 314 U.S. 909 (1950).

Moreover, you have a duty "to protect the public from false, misleading or deceptive advertising." *Licensee Responsibility With Respect to the Broadcast of False, Misleading or Deceptive Advertising*, 74 F.C.C.2d 623 (1961). Failure to prevent the airing of "false and misleading advertising" may be "probative of an underlying abdication of licensee responsibility" that can be cause for the loss of a station's license. *Cosmopolitan Broad. Corp. v. FCC*, 581 F.2d 917, 927 (D.C. Cir. 1978).

This advertisement is false, misleading, and deceptive. We ask that you refuse to continue to air this advertisement.

We can be reached at (210) 892-8543 if you have any questions regarding this letter. Please contact us to inform us of your decision. Thank you for your attention to this matter.

Very truly yours,



Martin Golando,  
Garza Golando Moran, PLLC

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<sup>3</sup> Center for Responsive Politics, "Revolving Door: Former Members of the 113<sup>th</sup> Congress," accessed October 13, 2016

<sup>4</sup> City of Austin Personnel Documents

**Text of Advertisement:**

**TITLE: She's a Fan**

**DATE: 10/04/16**

**ANNCR:** A Message from San Francisco Liberal Nancy Pelosi:

**NANCY PELOSI:** "We are fully invested in, um in, Pete Gallego"

**ANNCR:** Pelosi wants Gallego back in Washington. She's a fan.

**NANCY PELOSI:** "Kind of the perfect person to be in the Congress"

**ANNCR:** Why? Because Gallego is the insider's insider. Career politician. Went and lobbied after you fired him from congress. He's one of them.

**NANCY PELOSI:** "He's a very high priority for us."

**ANNCR:** Of course he is. Say no to Pete Gallego.

**ANNCR:** The NRCC is responsible for the content of this advertising.

NRCC IE TX-23  
:30 TV  
“She’s a Fan”  
September 30, 2016

Script	Verification
VO: A Message from San Francisco, Liberal Nancy Pelosi:  Video: A Message from San Francisco Liberal Nancy Pelosi	See subsequent verification.
VO: “We are fully invested in um, in Pete Gallego”  Video:  Clip of Pelosi  CG: “We are fully invested in um, in Pete Gallego”	Pelosi: “So, we are fully invested in um, in Pete Gallego” (“Video: Nancy Pelosi at the Texas Tribune Festival,” <i>Texas Tribune</i> , Oct. 17, 2015, <a href="#">31-30</a> )  ““Texas hasn’t really reached its potential in terms of the impact it can have on the rest of the country, in a positive way,” the California Democrat said during an hour-long interview with Abby Livingston, Washington bureau chief for the Texas Tribune at the Texas Tribune Festival Saturday.  “What could Texas do to play a more positive role?  “For starters, Pelosi said, it could elect more Democrats to Congress, beginning with Pete Gallego, who narrowly lost a bid for re-election to Republican Will Hurd in 2014 and is heading toward a rematch.  “Pelosi said that Gallego is so good at getting along with a diverse group of other members, that he ‘is really a perfect person to be in Congress.’” (Source: “Nancy Pelosi urges Texas to live up to its potential for good,” <i>Statesman</i> , Oct. 17, 2015)
VO: Pelosi wants Gallego back in Washington. She’s a fan.  Super: Pelosi wants Gallego back.  “We are fully invested in um, in Pete Gallego”	Pelosi: Gallego “kind of a perfect person to be in the Congress” (“Video: Nancy Pelosi at the Texas Tribune Festival,” <i>Texas Tribune</i> , Oct. 17, 2015, <a href="#">31-34-5</a> )  <b>For the 2016 election cycle, Gallego’s campaign has received \$11,000 from Nancy Pelosi’s campaign committee and leadership PAC</b>  On June 30, 2015, Texans for Pete received \$2,000 from Nancy Pelosi for Congress ( <a href="#">31-12</a> , June 30, 2015)

	<p>On September 30, 2015, Texans for Pete received \$2,000 from Nancy Pelosi for Congress (ABC, Sept. 30, 2015)</p> <p>On March 1, 2016, Texans for Pete received \$5,000 from Nancy Pelosi's PAC to the Future (ABC, March 1, 2016)</p> <p>On March 24, 2016, Texans for Pete received \$2,000 from Nancy Pelosi's PAC to the Future (ABC, March 24, 2016)</p>
<p>VO: "Kind of a perfect person to be in the Congress"</p> <p>Video: Clip of Pelosi</p> <p>CG: "Kind of a perfect person to be in the Congress"</p>	<p>Pelosi: Gallego "kind of a perfect person to be in the Congress" ("Video: Nancy Pelosi at the Texas Tribune Festival," <i>Texas Tribune</i>, Oct. 17, 2015, <a href="#">31:45</a>)</p>
<p>VO: Why? Because Gallego is the insider's insider. Career Politician.</p> <p>Super: Pete Gallego – Washington Insider</p> <p>Career Politician</p> <p>Video: Gallego</p>	<p><b><u>State House for 20 years and Congress</u></b></p> <p>MEMBER OF CONGRESS, 23RD DISTRICT OF TEXAS, UNITED STATES HOUSE OF REPRESENTATIVES, WASHINGTON, D.C. – 2013-2014</p> <p>Represented the Texas' largest geographic and only battleground congressional district which covers over 2/3 of the Texas-Mexico border and nearly 24% of the land area of Texas. Served on the House Armed Services Committee and the House Agriculture Committee. Focused on military and veterans' issues.</p> <p>STATE REPRESENTATIVE, DISTRICT 74, TEXAS HOUSE OF REPRESENTATIVES, AUSTIN, TX. – 1991-2012</p> <p>Represented Texas' largest geographic State House seat. Carried numerous pieces of groundbreaking legislation and served as chairman of several committees. First and only person elected to lead the House Democratic Caucus as a freshman legislator. Chaired the Mexican-American Legislative Caucus a record-setting four terms. Named to <i>Texas Monthly's</i> Ten Best Legislators list and named finalist for Texan of the Year by the <i>Dallas Morning News</i>.</p> <p>(Source: Gallego Resume)</p> <p><b>According to records from the City of Austin, Gallego marketed his "over 25 years of legislative relationships and experience" and presented himself as a "critical asset in efforts to understand and navigate complex state legislative procedure or policy areas"</b></p> <p>Resume: "Pete Gallego can provide either or both legal and strategic advice and counsel to governmental or quasi-governmental entities looking for subject matter expertise in specific state legislative areas. With over 25 years of legislative relationships and experience, Pete</p>

	<p>Gallego can be a critical asset in efforts to understand and navigate complex state legislative procedure or policy areas.” (Source: “Pete P. Gallego Resume”)</p> <p><i><b>Editor’s Note:</b> Gallego was not listed as registered lobbyist for the City of Austin in 2015. (Sources: <a href="#">Austin Ethics Committee</a>, Pg. 78, “2015 Lobbyist List by Concern”)</i></p> <p><b>According to records from the City of Austin, Gallego was hired as a MuniPro, Professional within the Government Relations Department at an hourly rate of \$56.26 on March 2, 2015, for a temporary position that lasted until August 21, 2015</b></p> <p>Gallego was hired as a MuniPro, Professional within the Government Relations Department at an hourly rate of \$56.26 on March 2, 2015 for a temporary position that lasted until August 21, 2015.(Source: City of Austin Personnel Action Form, August 24, 2015)</p>
<p>VO: Went and lobbied after you fired him from Congress.</p> <p>Super: Pete Gallego</p> <p>Gallego lobbied</p> <p>City of Austin, 2015</p>	<p><b>According to records from the City of Austin, Gallego marketed his “over 25 years of legislative relationships and experience” and presented himself as a “critical asset in efforts to understand and navigate complex state legislative procedure or policy areas”</b></p> <p>According to Merriam-Webster, the definition of “lobby” is:</p> <p>“intransitive verb  “: to conduct activities aimed at influencing public officials and especially members of a legislative body on legislation</p> <p>“transitive verb  “1 : to promote (as a project) or secure the passage of (as legislation) by influencing public officials  “2 : to attempt to influence or sway (as a public official) toward a desired action” (Source: <a href="#">Merriam-Webster</a>, Accessed Sept. 15, 2016)</p> <p>Resume: “Pete Gallego can provide either or both legal and strategic advice and counsel to governmental or quasi-governmental entities looking for subject matter expertise in specific state legislative areas. With over 25</p>

	<p>years of legislative relationships and experience, Pete Gallego can be a critical asset in efforts to understand and navigate complex state legislative procedure or policy areas.” (Source: “Pete P. Gallego Resume”)</p> <p><b>On his Personal Financial Disclosure Report filed on August 29, 2015, Gallego reported income of \$55,000 from the City of Austin in the year 2015</b></p> <p>Schedule C Earned Income: Gallego earned \$55,000 in salary from the City of Austin in the year 2015, as of August 29, 2015. (Source: <a href="#">Gallego Personal Financial Disclosure Report</a>, August 29, 2015)</p> <p><b>According to records from the City of Austin, Gallego was hired as a MuniPro, Professional within the Government Relations Department at an hourly rate of \$56.26 on March 2, 2015, for a temporary position that lasted until August 21, 2015</b></p> <p>Gallego was hired as a MuniPro, Professional within the Government Relations Department at an hourly rate of \$56.26 on March 2, 2015 for a temporary position that lasted until August 21, 2015.(Source: City of Austin Personnel Action Form, August 24, 2015)</p>
<p>VO: He’s one of them</p> <p>Super: He’s one of them.</p>	No verification needed.
<p>VO: “He’s a very high priority for us.”</p> <p>Video: Clip of Pelosi</p> <p>CG: “He’s a very high priority for us.”</p>	<p>Pelosi: Gallego “kind of a perfect person to be in the Congress” (“Video: Nancy Pelosi at the Texas Tribune Festival,” <i>Texas Tribune</i>, Oct. 17, 2015, <a href="#">31:20</a>)</p>
<p>VO: Of course he is. Say no to Pete Gallego</p> <p>Super:</p> <p>Say No to Pete Gallego</p>	No verification needed.
<p>VO: The NRCC is responsible for the content of this advertising.</p>	No verification required



Super: The NRCC paid for and is responsible for the content of this advertising. Not authorized by any candidate or candidate's committee.  
NRCC.org